

Notice of Allowability

Application No.

10/671,394

Examiner

Ghassem Alie

Applicant(s)

DARR, RICHARD C.

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3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/07/05 and Tel. interview conducted on 04/21/05.
2. ☒ The allowed claim(s) is/are 1,2,4-10,28,29,31,32 and 37-41.
3. ☒ The drawings filed on 25 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>04/21/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a communication with Mr. Robert H. Bachman (Reg. No. 19,3743) on 04/21/05.

The application has been amended as follows:

In the claims:

Claim 1

Line 6, "moving a knife into engagement with the container to be trimmed" has been changed to --moving a knife by a knife actuating arm into engagement with the container to be trimmed--.

Claims 30 and 33-36 have been canceled.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: The claims are allowable because prior art fails to teach the step of moving the knife and knife actuating arm by moving a roller on a tapered cam as set forth in claim 1.

Regarding claim 1, Wakabayashi (3,818,785) teaches a method for trimming a plastic container having an open end including a step of providing a multi-station assembly for holding a container during trimming. Wakabayashi also teaches that the multi-station assembly includes a plurality of spaced stations and wherein the container traverses stations

of the multi-stations assembly for operating stages. Wakabayashi also teaches steps of moving the container to be trimmed onto the multi-station assembly at a first operating stage, moving a knife into the engagement with container at the second operating stage, trimming the container by the knife at a third operating stage, ejecting the trimmed portion 35 at a fourth operation stage, and ejecting the trimmed container at a fifth operating stage. Wakabayashi does not teach steps of holding the container stationary during trimming by a holder and moving the knife and knife actuating arm by moving a roller on a tapered cam as set forth in claim 1.

Wakabayashi in view of Criss et al. (3,682,026), hereinafter Criss, teaches a cutting mechanism for trimming a plastic container including a mechanism to hold the container stationary and a mechanism to rotate a knife around the container's top while the container is held stationary. Wakabayashi in view of Criss also teaches a cam moving into engagement with a tapered portion of a knife actuating arm and consequently moving the knife and knife actuating arm into engagement with the container. However, Wakabayashi in view of Criss does not teach the step of moving the knife and knife actuating arm by moving a roller on a tapered cam as set forth in claim 1. Wakabayashi in view of Criss does not teach a roller that moves on a tapered cam for moving the knife and knife actuating arm into engagement with the container.

None of these references by themselves or in combination with the other prior art cited teach the claimed invention set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the

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issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

April 21, 2005


Allan N. Shoap
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